

# SENATE BILL REPORT

## SB 5950

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As of February 26, 2007

**Title:** An act relating to protecting consumers and agency clients by clarifying the definition of social worker.

**Brief Description:** Clarifying the definition of social worker.

**Sponsors:** Senator Murray.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/22/07.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Kiki Keizer (786-7430)

**Background:** Classifications of Social Workers Licensed by the Department of Health: "Licensed advanced social workers" and "licensed independent clinical social workers" are licensed by the state's Department of Health (DOH) to provide mental health-related counseling, often in an independent practice setting. Persons who are licensed through the DOH as licensed advanced social workers and licensed independent clinical social workers must meet certain requirements, including graduation from an approved master's or doctoral level social work program and completion of at least 3,200 hours of practical experience.

Classifications of Social Workers through the State's Department of Personnel: State agencies in Washington employ persons who are classified by the Department of Personnel as "social workers." Rather than provide direct mental health-related counseling services to clients, social workers in state agencies may refer clients to professionals in various fields, including counseling, who provide the service directly. In other words, their role may focus on case management and coordination of care, rather than on direct service delivery. Minimum qualifications of an entry level social worker under the Department of Personnel's classification system is: (1) a master's degree in social services, human services, behavioral sciences, or an allied field; or (2) a bachelor's degree in social services, human services, behavioral sciences, or an allied field and one year of social service experience.

The Department of Health's Process of Making Proposals to the Legislature on Health Profession Credentialing: Washington law on health profession credentialing states that all individuals should be permitted to provide health services unless there is an overwhelming need for the state to protect the interests of the public by restricting entry. By law, a health profession should be regulated or scope of practice expanded only when:

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- unregulated practice can clearly harm or endanger the health, safety or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;
- the public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and
- the public cannot be effectively protected by other means in a more cost-beneficial manner.

A process known as "sunrise review" exists in Washington and applies when a group: (1) seeks to start regulating a group of health care practitioners not currently regulated; or (2) seeks to substantially expand the scope of practice of a regulated profession.

**Summary of Bill:** The definition of "social worker" is added to the chapter of law related to the DOH's licensing of "licensed advanced social workers" and "licensed independent clinical social workers." A "social worker" is defined as someone: (1) who is a licensed advanced social worker or a licensed independent clinical social worker; or (2) who has graduated from a bachelor's, master's, or doctoral social work educational program accredited by the council on social work education and approved by the secretary of the DOH based upon nationally recognized standards.

The same definition is included in the chapter on abuse of patients.

A section is added to the chapter of law related to the DOH's licensing of "licensed advanced social workers" and "licensed independent clinical social workers," forbidding persons from representing themselves as "social workers" without meeting the qualifications in the definition. No public or private agencies or organizations in the state can use the term "social worker" for volunteer or employment positions or within contracts for services unless the qualifications set out in the definition are met.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Social work is a profession. Those who are employed as social workers should have graduated from an accredited social work program or be licensed as social workers in the state. Social workers have a professional code of ethics and are subject to professional peer review for violations of the ethics code.

Title protection assures consumers that they are receiving the best services from professionally educated social workers. It deceives consumers when persons without professional training are called social workers. There have been cases in which persons holding themselves out as social workers without professional training have actually re-victimized persons who had been victimized previously. Title protection provides consumers with recourse in cases of unethical or incompetent practice.

Persons who currently work as social workers without professional education or licensing could continue to work as social workers under the terms of the bill.

CON: People who do not have professional training should not be grandfathered in and called social workers. They should have a year or two to meet the qualifications in order to keep their jobs.

OTHER: It is not clear how the bill would affect the DOH's current process of licensing social workers. Even if the bill only results in title protection, there would be a fiscal impact because the DOH would have to pursue unlicensed practice cases.

The DOH is also concerned about the possibility of persons with a bachelor's degree providing mental health counseling and is currently trying to tighten the laws that control mental health counseling without a master's level degree.

**Persons Testifying:** PRO: Hoyt Suppes, Christine Kessler, Nancy Amidei, National Association of Social Workers, Washington Chapter; Carey Morris, Washington Association for Marriage and Family Therapy.

CON: David G. Wood, Washington Families United.

OTHER: Laurie Jenkins, DOH.